

REMARKS

In the Office Action, the Examiner has withdrawn claim 22 from consideration as being directed to a non-elected invention. Further, the Examiner has rejected claims 1-5, 8-9, 21, and 23-28 under 35 USC § 102 as being anticipated by Pike et al. (US 5,695,506). Previously, claims 16-20 were withdrawn from consideration.

In response to the Office Action, claims 16-20 and 22 have been canceled. Further, independent claims 1 and 23 have been amended to require that the articulation segment bias the catheter to bend in a preferential bending plane. Structurally, the bending plane is perpendicular to the plane defined by the two axially-extending wall portions. Also, new claims 29-34 have been entered. Similar to claims 1 and 23, new independent claim 30 requires that the articulation segment bias the catheter to bend in a preferential bending plane. Further, claim 30 requires that the first slits and second slits in the tube have aligned centers that define the preferential bending plane. New claim 29 states that each slit portion has an arc length of 190 degrees and that each non-slit portion has an arc length of 170 degrees (which is necessarily true because each slit portion bounds its respective non-slit portion). Also, claim 21 has been amended to conform with the revisions to underlying independent claim 1. Support for these amendments is found in the specification from page 5 at line 21 through page 6 at line 26 and in Figs. 1-3.

Amendments to the claims have been made to improve the readability of the claims, to more clearly define the structure of the present invention, and to point out the features that distinguish this invention over the cited references. Claims 1-5, 8-9, 21, and 23-34 are now pending.

Rejections under 35 U.S.C. § 102

Claims 1-5, 8-9, 21, and 23-28 have been rejected as being anticipated by Pike et al.

As amended, independent claims 1, 23, and 30 require an articulation segment with a tube that has a preferential bending plane. Structurally, the preferential bending plane is created by slits that are alternately positioned in the tube to create axially-extending wall portions. Importantly, the first axially-extending wall portion is interrupted only by the second slits. Accordingly, the second axially-extending wall portion is interrupted only by the first slits. With this arrangement, the preferential bending plane is perpendicular to a plane defined by the axially-extending wall portions. Claim 30 includes the additional requirement that the preferential bending plane be defined by the centers of the slits. With the cooperation of structure required by claims 1, 23, and 30, the present invention provides predictable bending in a catheter. Pike et al. do not teach or suggest such a structure or cooperation of structure.

For instance, the present invention requires a single first slit having an arc length greater than 180 degrees lying in a single plane substantially perpendicular to the axis. Pike et al., on the other hand, disclose a pair of first slits, each having an arc length less

than 180 degrees, lying in a single plane substantially perpendicular to the axis. As a result, a pair of first axially-extending wall portions are created by Pike et al. Similarly, rather than the claimed invention's single second axially-extending wall portion, Pike et al. disclose a pair of second axially-extending wall portions. Due to the presence of four axially-extending wall portions azimuthally positioned about the tube, Pike et al. cannot provide a preferential bending plane.

Unlike the device disclosed by Pike et al., the present invention is directed toward a device that biases bending of a catheter in a single preferential plane. This goes well beyond the capabilities for the catheter envisioned by Pike et al. Specifically, Pike et al. fail to disclose any structure capable of biasing bending to a single plane as claimed for the present invention.

For the reasons set forth above, Applicant contends the basis for rejecting claims for being anticipated by Pike et al. has been overcome and should be withdrawn.

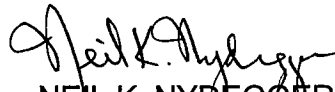
Further, Applicant contends that no other cited prior art references provide the teaching of any structural or functional aspect that, together with Pike et al., would make the presently claimed invention unpatentable.

In conclusion, Applicants respectfully assert that claims 1-5, 8-9, 21 and 23-34 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested.

The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 16th day of October, 2007.

Respectfully submitted,



NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202
Customer No. 23862

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300